

NICHOLAS A. TRUTANICH
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District of Nevada

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RANDY DAVIS,

Plaintiff,

v.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

Case No.: 3:19-cv-00402-MMD-WGC

**STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT, 28 U.S.C.
§ 2412(d), AND COSTS PURSUANT TO
28 U.S.C. § 1920**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
subject to the approval of the Court, that Plaintiff Randy Davis be awarded attorney fees and expenses
in the amount of four thousand four hundred and forty-nine dollars and fifty-three cents (\$4,449.53)
under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of four
hundred dollars (\$400.00) under 28 U.S.C. § 1920. This amount represents compensation for all legal
services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance
with 28 U.S.C. §§ 1920, 2412(d).

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1 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
2 matter of Plaintiff's assignment of EAJA fees to Olinsky Law Group. Pursuant to *Astrue v. Ratliff*,
3 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will
4 depend on whether the fees are subject to any offset allowed under the United States Department of
5 the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
6 determine whether they are subject to any offset.

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
8 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
9 and costs to be made directly to Olinsky Law Group, pursuant to the assignment executed by Plaintiff.
10 Any payments made shall be delivered to counsel, Melissa A. Palmer.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
12 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
13 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and
14 all claims that Plaintiff Randy Davis and/or Melissa A. Palmer, including Olinsky Law Group, may
15 have relating to EAJA attorney fees in connection with this action.

16 This award is without prejudice to the rights of Melissa A. Palmer and/or Olinsky Law Group
17 to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
18 provisions of the EAJA.

19 This stipulation resolves the matters raised in the Motion for Attorney's Fees filed on March
20 25, 2020 (Dkt. No. 16).

21
22 Dated: April 1, 2020

Respectfully submitted,

23 OLINSKY LAW GROUP

24 /s/ Melissa A. Palmer

MELISSA A. PALMER

25 (*as authorized via email on April 1, 2020)

Attorney for Plaintiff

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2 Dated: April 1, 2020

Respectfully submitted,

3 NICHOLAS A. TRUTANICH
4 United States Attorney

5 /s/ Allison J. Cheung
6 ALLISON J. CHEUNG
7 Special Assistant United States Attorney
8 Attorneys for Defendant
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10 IT IS SO ORDERED:

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12 HON. MIRANDA M. DU
13 UNITED STATES DISTRICT COURT JUDGE

14 DATED: April 1, 2020
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CERTIFICATE OF SERVICE

I, Allison J. Cheung, certify that the following individual(s) were served with a copy of the foregoing **STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d), AND COSTS PURSUANT TO 28 U.S.C. § 1920** on the date, and via the method of service, identified below:

CM/ECF:

Melissa Palmer
mpalmer@windisability.com
Attorney for Plaintiff

Hal Taylor
haltaylorlawyer@gbis.com
Attorney for Plaintiff

Dated: April 1, 2020

/s/ Allison J. Cheung
ALLISON J. CHEUNG
Special Assistant United States Attorney